

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 26909 of 2007

17.12.2007

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Between:

U.S. Srinivas

... Petitioner

AND

Andhra Pradesh State Road Transport Corporation,
Rep. by its Managing Director,
Hyderabad & another

... Respondents

Counsel for the petitioner : Sri G. Vidya Sagar

Counsel for the respondents : Sri K. Madhava Reddy

ORDER:

This writ petition is filed for a writ of mandamus to declare the action of the respondents in not promoting the petitioner to the post of Executive Engineer and not finalizing the disciplinary proceedings in pursuance of memorandum of charge sheet dated 27.01.2003 as illegal and arbitrary. The petitioner has also sought for a direction to the respondents to conclude the departmental enquiry and promote him to the post of Executive Engineer (Civil) on par with his juniors with all consequential benefits.

In the manner in which the writ petition is being disposed of, there is no need to go into the factual details of the case. Suffice it to notice that while the petitioner was working as Deputy Executive Engineer at Rajahmundry, disciplinary proceedings were initiated and a charge sheet containing four charges was issued against him. The

petitioner averred that after holding enquiry, the enquiry officer submitted report on 17.05.2007, wherein it has been held that the charges levelled against him were not proved and that the Executive Director issued proceedings dated 13.07.2006, wherein it has been stated that the Principal Secretary to Government, Transport, Roads and Buildings Department vide his letter dated 25.03.2006 directed to take action as suggested in letter dated 16.02.2006 of Andhra Pradesh Vigilance Commissioner and to intimate compliance thereon.

The grievance of the petitioner is that though more than 2 ½ years expired after submission of the enquiry report, no action is being taken by the respondents to finalize the disciplinary proceedings and that in the guise of pendency of the disciplinary proceedings, he is being overlooked for promotion to the post of Executive Engineer, while the respondents have been promoting his juniors.

Heard Sri G. Vidya Sagar, learned counsel for the petitioner and Sri K. Madhava Reddy, learned Standing Counsel for the Corporation.

Sri K. Madhava Reddy submitted that the averments contained in the affidavit filed in support of the writ petition suggest that ACB case is pending against the petitioner, which submission is stoutly denied by Sri G. Vidya Sagar. He stated that ACB trap was laid against three officers namely; Sri S.K.G. Basha, Sri G. Siva Rama Krishna and Sri S. Kameswara Rao, that ACB case is pending only against them and that the petitioner is not an accused therein. The learned counsel for the petitioner, therefore, states that there is absolutely no justification whatsoever for the respondents in not finalizing the disciplinary proceedings.

Having considered the submissions of the learned counsel for both sides, I feel that the respondents are not justified in keeping the disciplinary proceedings pending for unduly long time.

In the facts and circumstances of the case, without going into the merits of the case, I direct the respondents to finalize the disciplinary proceedings within a period of four weeks from the date of receipt of a copy of this order.

Subject to the above direction, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.Nos. 35152 and 35153 of 2007 filed by the petitioner for interim relief are disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

17.12.2007

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